

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :

v. :

NO. 3:19-CR-9

**BRUCE EVANS SR. and BRUCE
EVANS JR. :**

JUDGE MALACHY E. MANION

JOINT STATUS REPORT

The Court directed counsel to meet and confer regarding outstanding pretrial motions. (*See* Doc. 106). Doing diligence to the Court's Order of September 10, 2021 (Doc. 106), counsel for the parties met on September 14, 2021, and discussed the outstanding matters filed before the Court. The parties submit the following:

1. Based upon the good-faith exchange of the parties, and the documents and reports to be exchanged, the parties request that the Court grant a request from the parties that the trial date be continued to November 15, 2021. It is critical for the parties to gain the additional time to complete the preparation of expert information, the preparation associated with the dissemination of records arising from the Pennsylvania Department of Environmental Protection (PADEP)

subpoena, and the exchange of additional discovery. The parties intend to file an appropriate motion seeking a continuance of trial after speaking to the Court at the pretrial conference on September 28, 2021.

2. Doc. 32, Defendants' Request for Expert Information Pursuant to Rule 16(a)(1)(F) & (G) of the Federal Rules of Criminal Procedure. The Government anticipates calling as experts laboratory personnel to admit expert opinions on laboratory results, and the Government anticipates possibly calling as expert witnesses PADEP employees as experts in water treatment plant operations. The Government intends to provide to the defense the anticipated summary of testimony, expert opinions and witness's qualifications pursuant to Fed. R. Crim. P. 16(a)(1)(G & F).

3. Doc. 33, Defendant's Request for Pretrial Notice of any Evidence the Government Intends to Introduce at Trial Pursuant to Rule 404(b). The Government anticipates filing a response to the defense 404(b) notice specifying the information required in Federal Rules of Evidence 404(b)(3)(A-C).

4. Doc. 34, Defendants' Request for Notice of Intention to Use Hearsay Statements Under Rule 807 of the Federal Rules of Evidence. It is not anticipated that the Government will offer evidence without basis within the exceptions to the hearsay rule as defined in the Federal Rules of Evidence.

5. Doc. 35, Defendants' Request Pursuant to Rule 12(b)(4)(B) for Pretrial Notice of any Evidence the Government Intends to Introduce at Trial. The Government's exhibits have not yet been specified. As to the particular statements attributed to the Defendant Bruce Evans, Sr. in paragraph 56 of the Superseding Indictment, the Government has provided to the defense the Defendant's statements of June 10, 2015, September 10, 2015, and December 12, 2017, where the statements are referenced.

6. Doc. 36, Motion to Authorize Subpoena Duces Tecum. The parties agree that the subpoena request to the PADEP be modified such that all items that refer to 1986 be modified to 2013. In all other respects, the subpoena remains as requested and if approved, served upon PADEP.

7. Doc. 38, Defendants' Motion for Discovery and *Brady/Giglio* Materials. The defense and the Government disagree on what is *Brady* material

with respect to statements by David Klepadlo and Thomas Randt.

Respectfully submitted,

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Date: September 17, 2021

CERTIFICATE OF SERVICE

I, Patrick A. Casey, hereby certify that a true and correct copy of the foregoing Joint Status Report was served upon the following counsel of record via the Court's ECF system on this 17th day of September 2021:

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